

ENTERED

May 19, 2016

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

KIP EDWARDS, ET AL.,

Plaintiffs,

v.

KB HOME, ET AL.

Defendants.

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Civil Action No. 3:11-cv-00240

ORDER

On May 5, 2016, Plaintiffs and Defendants jointly applied to the Court for preliminary approval of a California Rule 23 Class Settlement Agreement (“Settlement Agreement”) reached in the above-referenced matter, as well as for certification of the requested California Settlement Classes. Having read and considered the Settlement Agreement, having considered the proposed methods of notification to the Classes, having read the moving papers, and good cause appearing, the Court finds as follows:

1. The Settlement Classes certified below meet the numerosity, commonality, typicality, and adequacy requirements of Rule 23(a), as well as the predominance requirement of Rule 23(b).

2. The Settlement Agreement, embodying the terms and conditions of a settlement reached between the parties – as supervised by private mediator Mark Rudy – is fair, reasonable and adequate.
3. The Settlement Agreement merits submission to the Settlement Classes for consideration pursuant to Rule 23 of the Federal Rules of Civil Procedure.
4. The proposed form of Class Notice is adequate; its proposed method of delivery to the Settlement Classes constitutes the best notice practicable of the hearing for the final approval of the Settlement Agreement, of the terms of the Settlement Agreement, of the amount to be requested for attorneys' fees, litigation expenses and costs, and of the other matters set forth in the Class Notice; it constitutes valid, due and sufficient notice to all persons in the proposed Settlement Classes and it complies fully with the requirements of Rule 23 of the Federal Rules of Civil Procedure, the Constitution of the United States, and all other applicable laws.

Accordingly, **IT IS HEREBY ORDERED** that:


5. For the purpose of implementing and enforcing the proposed Settlement Agreement only, pursuant to Rule 23 of the Federal Rules of Civil Procedure, the requested settlement classes identified in paragraph 11 of the Settlement Agreement are certified.

6. The Class Notice in the template attached as Exhibit B to the Settlement Agreement is approved for delivery to the members of the settlement classes.
7. Rhonda H. Wills (lead counsel) and John M. Padilla (co-counsel) are appointed as Class Counsel.
8. Andrea Bejenaru and Robin Hogan are certified as the representative Plaintiffs.
9. A final approval hearing shall be held before this Court at 10 a.m. on the 15th day of September, 2016, at the Bob Casey Federal Courthouse in Houston, Texas in Courtroom TBA. At the final approval hearing, the Court will determine (a) whether the Settlement Agreement should be finally approved as fair, reasonable, and adequate; (b) whether a judgment approving the Settlement Agreement and dismissing the Lawsuit should be entered; and (c) whether Class Counsel's attorneys' fees, litigation expenses and costs, Plaintiffs' service awards, and the Claims Administrator's fees and costs should be approved.
10. No later than twenty-one (21) days before the final approval hearing, Class Counsel shall file a motion for final approval of the Settlement Agreement. No later than thirty (21) days before the final approval hearing, Class Counsel shall file a motion for attorneys' fees and costs. The motion for attorneys' fees and costs shall be heard on the date set for the final approval hearing.

11. Simpluris is appointed as the Claims Administrator. The Claims Administrator shall mail the Notice to putative Class Members pursuant to the procedure outlined in the Settlement Agreement.
12. Any person who timely objects to the Settlement Agreement pursuant to the procedure outlined therein may appear and be heard at the final approval hearing, either in person or through counsel hired at his or her own expense.
13. The Court may, for good cause, extend any of the deadlines set forth in this Order or adjourn or continue the final approval hearing without further notice to Class Members.
14. Within two days after final approval of the Settlement, service award recipients will execute the Release that is attached as Exhibit A to the Settlement Agreement in order to receive any service awards approved by the Court.

15.If for any reason the proposed Settlement Agreement is terminated by its terms, or if final approval of the Settlement Agreement does not occur, this Order certifying the Settlement Classes shall automatically be vacated.

SIGNED this 19th day of May, 2016.



HON. GREGG COSTA
UNITED STATES CIRCUIT JUDGE*

*Sitting by designation